

**County of San Diego
Valle De Oro Community Planning Group
P.O. Box 936
La Mesa, CA 91944-3958**

REGULAR MEETING MINUTES: November 17, 2009

LOCATION: Otay Water District Headquarters
Training Room, Lower Terrace
2554 Sweetwater Springs Blvd.
Spring Valley, California 91978-2004

1. CALL TO ORDER: 7:01 PM Jack L. Phillips, presiding Chair

Members present: Brennan, Brownlee, Feathers, Fitchett, Henderson, Hewicker, Hyatt, Manning, Millar, Phillips, Reith, Ripperger, Wollitz

Absent: Forthun, Mitrovich,

2. FINALIZE AGENDA: As shown

3. OPEN FORUM: None

4. APPROVAL OF MINUTES: Minutes of October 20, 2009 **VOTE: 7-0-5** to approve. Abstained: Henderson, Millar, Reith, Ripperger, Wollitz (Brennan late)

5. LAND USE

- a. MUP96-011-26: Rancho San Diego YMCA Phase IIa addition of indoor (covered) and outdoor swimming pools at the southwest corner of the YMCA site portion of the Rancho San Diego Town Center property located on the southeast corner of the Jamacha Road/Campo Road (SR-94) intersection.

FITCHETT presented the project addressing three main issues. First, he addressed the 65' long concrete wall requesting features to make it more appealing. Second, he discussed the glass covered pool and the concern with bird kill. 2 million birds fly into buildings each year and 50% of those die. There are techniques available to mitigate and prevent bird kill. Finally, he spoke about the invasive species on the landscape palette that we request be removed.

Hedy Levine, of RCP consultants, explained that this project was a MUP modification. The pool complex was planned but new elements like an additional pool, splash pad and Jacuzzis were added. She addressed the issues that FITCHETT mentioned. They propose to place a decorative cap on the 65' long and 8' high screen wall with a stripe down the middle. Two trees are proposed in front of the northernmost wall. The finish of the wall will match the recreational building. On the glass pool enclosure, they propose to use collide-escape film.

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(ultra-violet visible to birds but not humans) from 9' and above on the south side of the glass structure. They have revised the landscape palette, removing the invasive plants and replacing them with others that had been suggested.

FITCHETT moves to **approve** the project with the revised mitigation. (Henderson seconds). FEATHERS questioned if the birds might attempt to fly under the 9' high film and strike the building. They responded that they don't think they will. She then asked if the glass building will be lit at night and the answer was yes but they believe if birds do fly into the glass that the YMCA will do the right thing and correct the problem. HYATT recommended that the pool use a salt water system versus a chlorine system. **VOTE 13-0-0 to approve.**

- b. Annexation of two vacant substandard parcels (APN496-071-30 & 31) located near the west end of Helix Terrace to the Spring Valley Sanitation District. Proposal is to use a private "force main" to connect a sewer lateral to the public sewer main in Fuerte Drive. The VDO Planning Group previously approved a variance on these properties (VAR04-010) conditioned on combining them into one parcel and not bringing public sewer service into the area.

PHILLIPS presented. He stated that due to the slope that the lot cannot handle a septic system. He does not want to annex the property to the Spring Valley Sewer District. The property owner, Mr. Houska, stated that he has access from above the lot because he bought the property to the south on Fuerte Drive. PHILLIPS asked if he can place a deed restriction on the property if he plans to sell. Owner agreed. PHILLIPS then **moved** to recommend approval with the condition that on the next deed transfer that the properties be restricted from providing access for off-site sewer district annexations. (RIPPERGER seconds).

VOTE (12-0-1) REITH abstained.

NOTE: Agenda skipped ahead to the appeal listed in Item 8 since almost all the audience in attendance was there for this item.

8. **CHAIRMAN'S REPORT** – Reports, Announcements, Expenses. Appeal of DPLU Decision to Approve TPM20854: 2-lot subdivision dividing the existing parcel at 11229 Explorer Road into two smaller parcels (0.62 & 0.65 acre). On November 16, 2004, VDOCPG voted 14-0 to deny subdivision of this lot in Explorer Ridge Estates.

PHILLIPS presented. The County requires the Planning Group to appeal the County's decision if we disagree with it. Deana Legler of 11207 Explorer Road spoke up as a representative for the Explorer Estates homeowners. They disapprove of the County's decision. The County gave final approval. It has been five years since the Planning Group denied the subdivision 14-0. Why did the County grant such a lengthy time extension and why weren't they all notified? Mr. Janna attempted the lot split back in 1989 in violation of the CCRs of the 50 residents. They were signed by him and everyone else. CCRs state that there shall be only one single family residence per lot. The County Board of Supervisors denied the lot split

in 1990. In 2004, Mr. Janna tried again and failed. Now it has emerged again. PHILLIPS said that the Planning Group already determined that there should not be a lot split. 27 of the lots exceed 1 acre and 1.06 Acres is the mean size of the lots. Greg Post of Explorer Road stated that he bought the first lot and read the CCRs in 1981 which stated that there could only be a 2800 SF single family residence per lot. He also recommended that PHILLIPS letter to the County misstated that any changes must be approved by 50% of the homeowners. Until February 26, 2011 these covenants cannot be breached. How can the County not honor covenants? It will force the homeowners to pay to sue the County. The properties are bound by the covenants, they are in their deeds. Karen Dorrance of 11163 Explorer Road stated that there were inaccuracies as to the number of people who signed for Mr. Janna. Many of them didn't live in the development or were deceased, etc.

PHILLIPS moves to proceed to file an appeal based on the fact that previously the Planning Group voted 14-0 against subdividing the parcel. (REITH seconds). It stands to set a precedent. It could ruin the entire neighborhood. It violates a legal restriction. **VOTE 13-0-0** to appeal.

6. NEW BUSINESS

- a. POD09-009: Zoning Ordinance Amendment to amend the applicability of the ordinance, to add Emergency Shelters as an allowed use, to make miscellaneous minor additions or amendments to the definitions, temporary use regulations and other miscellaneous regulations and make minor modifications and clarifications to various other regulations.

FITCHETT noted that in case of emergency, the zoning ordinance does not apply during, immediately following or throughout the recovery effort. PHILLIPS had issues and opposed the changes in Section 5804 c. which allows the Planning Commission to be able to waive the condition to the Director. He opposed adding 5804 d. He also opposed 6814 i. PHILLIPS moves to not change Section 5804 c., don't add 5804 d. or 6814 i. The latter would not allow the exception based on the fact that it would allow it to occur both commercially and residentially. (BROWNLEE seconds) **VOTE 13-0-0**

8. CHAIRMAN'S REPORT (CONTINUED)

PHILLIPS reported that the Chicken Ranch hearing is tentatively scheduled for December 18th or January 8th but plan on it being December 18th.

The General Plan Update is currently being presented to the Planning Commission (not elected officials) and may change 12 years of evolution of the General Plan.

Complete re-write of POD-09-005 which is a major development document.

9. ADJOURNMENT 8:45 PM

Submitted by: Jösan Feathers